

January 18, 2005

*Sent Via Facsimile*

Mr. John Emry  
62 West Jefferson Street  
Franklin, IN 46131-2311

*Re: Consolidated Formal Complaints 04-FC-229; 04-FC-230; Alleged Violation of  
the Access to Public Records Act by the Sheriff's Departments of Putnam and  
Clay Counties*

Dear Mr. Emry:

This is in response to your formal complaints alleging that the Sheriff's Departments of Putnam County (04-FC-229) and Clay County (04-FC-230) violated the Access to Public Records Act by failing to respond to your requests for records. Because your complaints raise the same issue under the same set of facts, I have consolidated them for purposes of issuing this advisory opinion. I find that the Sheriff's Departments violated the Access to Public Records Act by failing to respond to your requests for records.

You make identical allegations in this consolidated complaint to those you raised in 04-FC-228, involving the Jennings County Sheriff's Department. I issued an advisory opinion in 04-FC-228 on January 13, 2005. Because you are stating the same complaint as in 04-FC-228, that advisory opinion is hereby incorporated by reference in this opinion. For your convenience, I have enclosed a copy of the advisory opinion. It may also be viewed on the web at: [www.in.gov/pac/advisory/2004/04-FC-228](http://www.in.gov/pac/advisory/2004/04-FC-228).

I would also add that the Sheriff's Departments' continuing failure to respond to your requests for records or to produce disclosable records constitutes a continuing violation of the Access to Public Records Act, which is actionable under IC 5-14-3-9(e).

Sincerely,

Karen Davis  
Public Access Counselor

cc: Mr. A. Howard Williams